

**REMARKS**

Claims 1-21 and 25-33 are pending in the application.

**Response to Restriction Requirement**

In response to the Restriction Requirement mailed February 24, 2006, Applicants have already elected the invention currently represented by claims 9-21 and 31-33. Applicants hereby repeat that election in response to the Restriction Requirement mailed July 17, 2004.

Further, Applicants also repeat their traversal of the Restriction Requirement for the following reasons.

According to MPEP 803, if the search and examination of all the claims in the application can be made without serious burden, the examiner **must** examine them on the merits even though they include claims to independent or distinct inventions. A serious burden on the examiner must be shown in the Restriction Requirement by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02.

No such showing has been made in the Restriction Requirement of July 17, 2006, with respect to Claim Groups I and II. The Restriction Requirement does not demonstrate separate classification, or separate status in the art, or a different field of search, as defined in MPEP § 808.02, to justify restriction of the claims. The Restriction Requirement itself clearly states that all of the claims are directed to inventions classified in a single subclass, namely, class 128, subclass 830. The

Restriction Requirement states that two searches are required, namely a first search for a pouch and a retainer in the form of a sponge, and a second search for a pouch, a retainer, and a frame. However, both these inventions are classified in the same subclass, i.e., 128/830. Accordingly, the Restriction Requirement fails to show separate classification, separate status in the art, or a different field of search, as required by MPEP 803.

Additionally, a search of USPTO records for subclass 128/830 was conducted on August 10, 2006, using the USPTO website. This search showed that there are currently 139 US Patents and 30 US Patent Publications classified in subclass 128/830. Thus, it is respectfully submitted that searching a subclass with 169 patent documents classified therein does not constitute a "serious search burden" on the Examiner.

Applicants reassert the remainder of their arguments set forth in the Response to Restriction Requirement filed March 23, 2006. Applicants further specifically reserve their right to petition the Director to review the appropriateness of the Restriction Requirement, and further specifically reserve their right to rejoinder of claims following allowance of any generic or linking claim.

Appl. No. 10/664,861  
Response to Restriction Requirement  
Reply to Office Action of July 17, 2006

Docket No. AVR-100

**Conclusion**

In view of the foregoing Remarks, Applicant respectfully requests timely examination of all the pending claims in this case and issuance of a Notice of Allowance.

Respectfully submitted,



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